

Request for Review and Waiver Letter

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)
)
Request for Waiver and Review of Decisions of the) CC Docket No. 02-06
Universal Service Administrator for)
Fall River Joint Unified School District)

Schools and Libraries Universal
Service Support Mechanism

Funding Year 2015
Form 471 App 1012895
FRNs 2833776, 2833781, 2833796, 2833804,
2833811, 2833815, 2833821, 2833824, and
2833830

Request for Review and Waiver

The Fall River Joint Unified School District ¹ (“Fall River”) pursuant to and in accordance with Sections 54.719 – 54.725 of the Federal Communications Commission’s (“FCC” or Commission”) rules, hereby requests the FCC review and waive the reduction in funding that the Universal Service Administrative Company (“USAC”) as administrator of the National Education Rate Program (“E-rate”) upheld in an appeal filed with September 19, 2015. In particular, Fall River Joint Unified School District appeals the denial in the Administrator’s Decision on Appeal – Funding Year 2015-2016. See Exhibit 1, *Administrator’s Decision on Appeal – Funding Year 2015-2016* ²

Fall River Joint Unified School District respectfully requests the Commission to overturn the funding reduction and USAC appeal denial and return application 1012895 to review and funding approval at the amounts specified in the USAC appeal attached to this request for waiver. Any other action would be contrary to the spirit and goals of the E-rate Program.

¹ Fall River Joint Unified School District’s Billed Entity Number (BEN) is 144708

² This Request for Review is timely filed in accordance with Sections 54.720 and 1.4 of the Commission’s Rules within 60 days of the denial of the USAC appeal – Dated December 7, 2015

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Background

Fall River Joint Unified School District ³ is a district located in northeastern California and is comprised of two elementary schools, two junior-senior high schools, two continuation high schools and four community day schools. Under this regulatory authority, Fall River Joint Unified School District annually submits E-rate application(s) for eligible services. During the application for the 2015-2016 E-Rate funding year, Fall River JUSD submitted one Form 471 for Category Two services. The Form 471 1012895 included 10 separate Funding Requests – a single Funding Request per school site. Upon receipt of the Funding Commitment Decision Letter dated August 28, 2015, it was realized that all FRNs were funded at incorrect amounts see *Exhibit 2, Funding Commitment Decision Letter*. An appeal was immediately drafted and submitted to USAC on September 19, 2015, well within 60 days of the FCDL issuance. See *Exhibit 3 USAC Appeal and Information Request*. The appeal requested to have funding restored to the amounts per the service provider's contract and item 21 summary page as noted in the original USAC appeal. The Decision on Appeal letter was issued by the Administrator on December 5, 2015 denying the request to increase funding See *Exhibit 1, Administrator's Decision on Appeal – Funding Year 2015-2016*. The appeal was Denied because the Ministerial and Clerical Error correction made in accordance with the FCC's *Bishop Perry* was not requested prior to the issuance of the FCDL.

Item 21's

As a result of the FCC 14-99 E-rate Modernization Order⁴, in Funding Year 2015, the FCC Form 471 was significantly revamped. One of the significant changes to the FCC Form 471 was the inclusion of the Item 21 data. This section required specific and detailed information. After Fall River JUSD completed their competitive bidding process for Category 2 funding, the Service Provider was awarded. Per the terms of the Request for Proposal posted by Fall River JUSD, the Service Provider was required to furnish the district with the completed Item 21s attachments to be uploaded into the new FCC Form 471. Due to the restrictions that were set on the Item 21 templates, not every Item 21 template that was returned from the Service Provider was compatible to upload into the FCC Form 471 application.

³ District information available at <http://www.frjUSD.org/>

⁴ https://apps.fcc.gov/edocs_public/attachmatch/FCC-14-99A1.pdf

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This resulted in the district having to manually enter each line item into the FCC Form 471 which ultimately caused the Ministerial and Clerical Error.

Funding Commitment Decision Letter

The Funding Commitment Decision Letter (FCDL) was issued on August 28, 2015 without undergoing any review from USAC's Program Integrity Assurance team. Upon receipt of the FCDL, it was identified that the Committed amounts per the Funding Commitment Decision amounts did not agree with the amounts per the Contract. Through additional examination we found that the line items within the Item 21's did not include the taxes, installation, and shipping/handling associated with each piece of equipment. The amounts in the service provider's contract did reflect the full amount however, Fall River Joint Unified School District's FCC Form 471 1012895 did not go through Program Integrity Assurance (PIA) or any other type of USAC reviews which would typically bring this issue to the light. Additionally, the Funding Year 2015 Item 21's were completely new and markedly different than those from previous Funding Year's Item 21's.

Bishop Perry

Much has been written and argued of the FCC's *Bishop Perry* decision, released May 19, 2006⁵. In *Bishop Perry*, the FCC directed USAC to "provide all E-rate applicants with an opportunity to cure ministerial or clerical errors" within their E-rate applications. Indeed, this case at hand was undoubtedly exactly what *Bishop Perry* had in mind when the FCC crafted the language of the decision and departed from significant Commission precedent.

If one thing is clear and tantamount to the FCC's point in *Bishop Perry*, it is that USAC should NOT impede the spirit and goals of the E-rate program by unending focus on procedure. Yet, in this case, USAC proceeds as if *Bishop Perry* never was released. To withhold funding from the district because of a very simple and easily correctable mistake, is devastating to the life and spirit of the E-rate program, the very life and spirit created and encouraged by the FCC's own words in *Bishop Perry*.

⁵ http://hraunfoss.fcc.gov/edocs_public/attachmatch/FCC-06-54A1.pdf

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Conclusion

Fall River Joint Unified School District respectfully requests a waiver of the FCC's program rules pertaining to the submission of Item 21 attachments and return this application to further review by the Administrator in the hopes that the installation, sales tax and shipping/handling will be approved for funding.

Respectfully Submitted,

Michelle Harken
Director, E-Rate Compliance
CSM Consulting, Inc.
Consultant to Fall River Joint Unified School District
mharken@csmccentral.com
209-834-0556 (O)
324 E. 11th Street Suite E-3
Tracy, CA 95376

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Exhibit 1



Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Appeal – Funding Year 2015-2016

December 07, 2015

Nanette Rodriguez
CSM
324 E. 11th St., Suite E-3
Tracy, CA 95376

Re: Applicant Name: FALL RIVER JOINT UNIFIED SD
Billed Entity Number: 144708
Form 471 Application Number: 1012895
Funding Request Number(s): 2833776, 2833781, 2833796, 2833804, 2833811,
2833815, 2833821, 2833824, 2833830
Your Correspondence Dated: September 19, 2015

After review of the information and documentation provided, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of USAC's funding commitment decision for the FCC Form 471 Application Number and funding requests number(s) (FRN(s)) referenced above. This letter provides an explanation for USAC's decision. The date of this letter also begins the sixty (60) day time period for appealing this decision. If your Letter of Appeal included more than one FCC Form 471 Application Number, please note that you will receive a separate decision for each funding application.

Funding Request Number(s): 2833776, 2833781, 2833796, 2833804, 2833811,
2833815, 2833821, 2833824, 2833830

Decision on Appeal: **Denied**
Explanation:

- During the appeal review of your FCC Form 471# 1012895, you have requested to increase the funding of these FRNs on your application. Program procedures allow applicants to amend their applications and correct ministerial and clerical errors on their FCC Forms including adding a funding request until a Funding Commitment Decision Letter (FCDL) is issued. Since your request was made after the FCDL was issued, USAC denied your request to increase your Funding Request. In your appeal you did not demonstrate that USAC's determination was incorrect. Increase in your requested Discount cannot be submitted through the appeals process and after the issuance of the FCDL. USAC denies your appeal.

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- Your appeal requests additional funds that were not included in the FCC Form 471 that you are appealing. FCC rules require that funding requests must be submitted via an FCC Form 471. *See* 47 C.F.R. sec. 54.504(a). Considerations for funding requests depend on the date the FCC Form 471 is received and the amount of funds available if it is received after the close of the filing window. *See* 47 C.F.R. sec. 54.507(f). The FCC directed USAC to allow applicants to amend their forms to correct clerical and ministerial errors on their FCC Forms 470, FCC Form 471 applications, or associated documentation until an FCDL is issued. Such errors include only the kinds of errors that a typist might make when entering data from one list to another, such as mistyping a number, using the wrong name or phone number, failing to enter an item from the source list onto the application, or making an arithmetic error. *See* Schools and Libraries Universal Service Support Mechanism, CC Docket No. 02-6, Order, FCC 11-60 para. 5 (rel. April 14, 2011). Additional correctable errors can be found in the FCC Order DA 10-2354. *See* Requests for Waiver and Review of Decisions of the Universal Service Administrator by Ann Arbor Public Schools, Ann Arbor, Michigan, et al., Schools and Libraries Universal Service Support Mechanism, File Nos. SLD-542873, et al., CC Docket No. 02-6, Order, DA 10-2354 para. 2 (rel. December 16, 2010).
- The FCC's Bishop Perry Order directed USAC "to provide all E-rate applicants with an opportunity to correct ministerial and clerical errors on their FCC Form 470 or FCC Form 471, and an additional opportunity to file the required certifications" without posting new FCC Forms 470 and 471. *See* Request for Review of the Decision of the Universal Service Administrator by Bishop Perry Middle School, New Orleans, Louisiana, et al., Schools and Libraries Universal Service Mechanism, File Nos. SLD-487170, et al., CC Docket No. 02-6, Order, 21 FCC Red 5316-5317, FCC 06-54 para. 23 (May 19, 2006) (Bishop Perry Order). As a result, USAC sends an applicant a Receipt Acknowledgement Letter (RAL) when the FCC Form 471 has been successfully data entered and provides the applicant with an opportunity to make allowable corrections to its FCC Form 471. *See* Ministerial & Clerical Errors posted in the Reference Area of the SLD section of the USAC website. Per the FCC's directive, applicants should be allowed to amend their forms to correct clerical and ministerial errors until a Funding Commitment Decision Letter (FCDL) is issued. Such errors include only the kinds of errors that a typist might make when entering data from one list to another, such as mistyping a number, using the wrong name or phone number, failing to enter an item from the source list onto the application, or making an arithmetic error. *See* Schools and Libraries Universal Service Support Mechanism, CC Docket No. 02-6, Order, FCC 11-60 para. 5 (rel. April 14, 2011). Additional correctable errors can be found in the FCC Order DA 10-2354. *See* Requests for Waiver and Review of Decisions of the Universal Service Administrator by Ann Arbor Public Schools, Ann Arbor, Michigan, et al., Schools and Libraries Universal Service Support Mechanism, File Nos. SLD-542873, et al., CC Docket No. 02-6, Order, DA 10-2354 para. 2 (rel. December 16, 2010). An applicant's request to remove entities from its application, when such removal would raise the average discount percentage for the relevant funding request above the funding threshold for that year, is not justifiable as a ministerial or clerical error. *See* Request for Waiver and Review of Decisions of the Universal

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Service Administrator by Alexander County School District, Taylorsville, North Carolina, et al., Schools and Libraries Universal Service Support Mechanism, File No. SLD-827833 et al., CC Docket No. 02-6, Order, DA 13-1383 para. 2 (rel. June 14, 2013).

If you wish to appeal this decision, you may file an appeal pursuant to 47 C.F.R. Part 54, Subpart I. Detailed instructions for filing appeals are available at:
<http://www.usac.org/sl/about/program-integrity/appeals.aspx>.

We thank you for your continued support, patience and cooperation during the appeal process.

Schools and Libraries Division
Universal Service Administrative Company

cc: Teresa Spooner

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Exhibit 2



Schools and Libraries Division



FUNDING COMMITMENT DECISION LETTER (Funding Year 2015: 07/01/2015 - 06/30/2016)

August 28, 2015

Nanette Rodriguez
FALL RIVER JOINT UNIFIED SD
324 E. 11th St., Suite E-3
Tracy, CA 95376

Re: FCC Form 471 Application Number: 1012895
Billed Entity Number (BEN): 144708
Billed Entity FCC Registration Number (FCC RN): 0011981362
Nickname: FallRiverJUSD471Y18C2

Thank you for your Funding Year 2015 application for Universal Service Support and for any assistance you provided throughout our review. The current status of the funding request(s) in the FCC Form 471 application cited above and featured in the Funding Commitment Report(s) (Report) at the end of this letter is as follows.

- The amount, \$93,591.78 is "Approved."

Please refer to the Report following this letter for specific funding request decisions and explanations. The Universal Service Administrative Company (USAC) is also sending this information to your service provider(s) so preparations can begin for implementing your approved discount(s) after you file FCC Form 486, Receipt of Service Confirmation and Children's Internet Protection Act and Technology Plan Certification Form. A guide that provides a definition for each line of the Report is available in the Guide to USAC Letter Reports in the Reference Area of our website.

NEXT STEPS

- Work with your service provider to determine if you will receive discounted bills or if you will request reimbursement from USAC after paying your bills in full.
- Review Children's Internet Protection Act (CIPA) requirements.
- File FCC Form 486.
- Invoice USAC using the FCC Form 474, Service Provider Invoice (SPI) Form, or FCC Form 472, Billed Entity Applicant Reimbursement (BEAR) Form, as products and services are being delivered and billed.

TO APPEAL THIS DECISION:

If you wish to appeal a decision in this letter to USAC, your appeal must be received by USAC or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. In your letter of appeal:

1. Include the name, address, telephone number, fax number, and email address for the person who can most readily discuss this appeal with us.
2. State outright that your letter is an appeal. Include the following to identify the USAC decision letter (e.g., FCDL) and the decision you are appealing:
 - Appellant name,
 - Applicant name and service provider name, if different from appellant,
 - Applicant BEN and Service Provider Identification Number (SPIN),
 - FCC Form 471 Application Number 1012895 and the Funding Request Number (FRN) or Numbers as assigned by USAC,
 - "Funding Commitment Decision Letter for Funding Year 2015," AND
 - The exact text or the decision that you are appealing.

Schools and Libraries Division - Correspondence Unit
30 Lanidex Plaza West, PO Box 685, Parsippany, NJ 07054-0685
Visit us online at: www.usac.org/sl

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3. Please keep your letter to the point, and provide documentation to support your appeal. Be sure to keep a copy of your entire appeal, including any correspondence and documentation.
4. If you are the applicant, please provide a copy of your appeal to the service provider(s) affected by USAC's decision. If you are the service provider, please provide a copy of your appeal to the applicant(s) affected by USAC's decision.
5. Provide an authorized signature on your letter of appeal.

We strongly recommend that you use one of the electronic filing options. To submit your appeal to USAC by email, email your appeal to appeals@sl.universalservice.org or submit your appeal electronically by using the "Submit a Question" feature on the USAC website. USAC will automatically reply to incoming emails to confirm receipt.

To submit your appeal to USAC by fax, fax your appeal to (973) 599-6542.

To submit your appeal to USAC on paper, send your appeal to:

Letter of Appeal
Schools and Libraries Division - Correspondence Unit
30 Lanidex Plaza West
PO Box 685
Parsippany, NJ 07054-0685

For more information on submitting an appeal to USAC, please see "Appeals" in the Schools and Libraries section of the USAC website.

OBLIGATION TO PAY NON-DISCOUNT PORTION

Applicants are required to pay the non-discount portion of the cost of the products and/or services to their service provider(s). Service providers are required to bill applicants for the non-discount portion. The FCC stated that requiring applicants to pay their share ensures efficiency and accountability in the program. If USAC is being billed via the FCC Form 474, the service provider must bill the applicant at the same time it bills USAC. If USAC is being billed via the FCC Form 472, the applicant pays the service provider in full (the non-discount plus discount portion) and then seeks reimbursement from USAC. If you are using a trade-in as part of your non-discount portion, please refer to Disposal or Trade-in of Equipment posted in the Reference Area of our website for more information.

NOTICE ON RULES AND FUNDS AVAILABILITY

Applicants' receipt of funding commitments is contingent on their compliance with all statutory, regulatory, and procedural requirements of the Schools and Libraries Program. Applicants who have received funding commitments continue to be subject to audits and other reviews that USAC and/or the FCC may undertake periodically to assure that funds that have been committed are being used in accordance with all such requirements. USAC may be required to reduce or cancel funding commitments that were not issued in accordance with such requirements, whether due to action or inaction, including but not limited to that by USAC, the applicant, or the service provider. USAC, and other appropriate authorities (including but not limited to the FCC), may pursue enforcement actions and other means of recourse to collect improperly disbursed funds.

Schools and Libraries Division
Universal Service Administrative Company

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FUNDING COMMITMENT REPORT
Billed Entity Name: FALL RIVER JOINT UNIFIED SD
BEN: 144708
Funding Year: 2015



Comment on RAL corrections:
The applicant did not submit any RAL corrections.

FCC Form 471 Application Number: 1012895
Funding Request Number: 2833776
Funding Status: Funded
Service Type: Internal Connections
FCC Form 470 Application Number: 912480001313335
SPIN: 143033063
Service Provider Name: Development Group, Inc
Contract Number:
Billing Account Number: N/A
Service Start Date: 04/01/2015
Service End Date: N/A
Contract Award Date: 03/31/2015
Contract Expiration Date: 09/30/2016
Shared Worksheet Number:
Number of Months Recurring Service Provided in Funding Year: 12
Annual Pre-discount Amount for Eligible Recurring Charges: \$.00
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$2,679.60
Pre-discount Amount: \$2,679.60
Discount Percentage Approved by the USAC: 80%
Funding Commitment Decision: \$2,143.68 - FRN approved as submitted

FCDL Date: 08/28/2015
Wave Number: 014
Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2016
Consultant Name: Nanette Rodriguez
Consultant Registration Number (CRN): 16043564
Consultant Employer: CSM CENTRAL

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FUNDING COMMITMENT REPORT

Billed Entity Name: FALL RIVER JOINT UNIFIED SD
BEN: 144708
Funding Year: 2015

Comment on RAL corrections:
The applicant did not submit any RAL corrections.

FCC Form 471 Application Number: 1012895
Funding Request Number: 2833781
Funding Status: Funded
Service Type: Internal Connections
FCC Form 470 Application Number: 912480001313335
SPIN: 143033063
Service Provider Name: Development Group, Inc
Contract Number:
Billing Account Number: N/A
Service Start Date: 04/01/2015
Service End Date: N/A
Contract Award Date: 03/31/2015
Contract Expiration Date: 09/30/2016
Shared Worksheet Number:
Number of Months Recurring Service Provided in Funding Year: 12
Annual Pre-discount Amount for Eligible Recurring Charges: \$.00
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$5,096.08
Pre-discount Amount: \$5,096.08
Discount Percentage Approved by the USAC: 80%
Funding Commitment Decision: \$4,076.86 - FRN approved as submitted

FCDL Date: 08/28/2015
Wave Number: 014
Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2016
Consultant Name: Nanette Rodriguez
Consultant Registration Number (CRN): 16043564
Consultant Employer: CSM CENTRAL

Request for Review and Waiver Letter

FUNDING COMMITMENT REPORT

Billed Entity Name: FALL RIVER JOINT UNIFIED SD
BEN: 144708
Funding Year: 2015

Comment on RAL corrections:

The applicant did not submit any RAL corrections.



FCC Form 471 Application Number: 1012895
Funding Request Number: 2833788
Funding Status: Funded
Service Type: Internal Connections
FCC Form 470 Application Number: 912480001313335
SPIN: 143033063
Service Provider Name: Development Group, Inc
Contract Number:
Billing Account Number: N/A
Service Start Date: 04/01/2015
Service End Date: N/A
Contract Award Date: 03/31/2015
Contract Expiration Date: 09/30/2016
Shared Worksheet Number:
Number of Months Recurring Service Provided in Funding Year: 12
Annual Pre-discount Amount for Eligible Recurring Charges: \$.00
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$30,899.65
Pre-discount Amount: \$30,899.65
Discount Percentage Approved by the USAC: 80%
Funding Commitment Decision: \$24,719.72 - FRN approved as submitted

FCDL Date: 08/28/2015
Wave Number: 014
Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2016
Consultant Name: Nanette Rodriguez
Consultant Registration Number (CRN): 16043564
Consultant Employer: CSM CENTRAL

Request for Review and Waiver Letter

FUNDING COMMITMENT REPORT
Billed Entity Name: FALL RIVER JOINT UNIFIED SD
BEN: 144708
Funding Year: 2015

Comment on RAL corrections:
The applicant did not submit any RAL corrections.

FCC Form 471 Application Number: 1012895
Funding Request Number: 2833796
Funding Status: Funded
Service Type: Internal Connections
FCC Form 470 Application Number: 912480001313335
SPIN: 143033063
Service Provider Name: Development Group, Inc
Contract Number:
Billing Account Number: N/A
Service Start Date: 04/01/2015
Service End Date: N/A
Contract Award Date: 03/31/2015
Contract Expiration Date: 09/30/2016
Shared Worksheet Number:
Number of Months Recurring Service Provided in Funding Year: 12
Annual Pre-discount Amount for Eligible Recurring Charges: \$.00
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$24,754.40
Pre-discount Amount: \$24,754.40
Discount Percentage Approved by the USAC: 80%
Funding Commitment Decision: \$19,803.52 - FRN approved as submitted

FCDL Date: 08/28/2015
Wave Number: 014
Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2016
Consultant Name: Nanette Rodriguez
Consultant Registration Number (CRN): 16043564
Consultant Employer: CSM CENTRAL

Request for Review and Waiver Letter

FUNDING COMMITMENT REPORT
Billed Entity Name: FALL RIVER JOINT UNIFIED SD
BEN: 144708
Funding Year: 2015

Comment on RAL corrections:
The applicant did not submit any RAL corrections.

FCC Form 471 Application Number: 1012895
Funding Request Number: 2833804
Funding Status: Funded
Service Type: Internal Connections
FCC Form 470 Application Number: 912480001313335
SPIN: 143033063
Service Provider Name: Development Group, Inc
Contract Number:
Billing Account Number: N/A
Service Start Date: 04/01/2015
Service End Date: N/A
Contract Award Date: 03/31/2015
Contract Expiration Date: 09/30/2016
Shared Worksheet Number:
Number of Months Recurring Service Provided in Funding Year: 12
Annual Pre-discount Amount for Eligible Recurring Charges: \$.00
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$27,355.80
Pre-discount Amount: \$27,355.80
Discount Percentage Approved by the USAC: 80%
Funding Commitment Decision: \$21,884.64 - FRN approved as submitted

FCDL Date: 08/28/2015
Wave Number: 014
Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2016
Consultant Name: Nanette Rodriguez
Consultant Registration Number (CRN): 16043564
Consultant Employer: CSM CENTRAL

Request for Review and Waiver Letter

FUNDING COMMITMENT REPORT

Billed Entity Name: FALL RIVER JOINT UNIFIED SD
BEN: 144708
Funding Year: 2015

Comment on RAL corrections:
The applicant did not submit any RAL corrections.

FCC Form 471 Application Number: 1012895
Funding Request Number: 2833811
Funding Status: Funded
Service Type: Internal Connections
FCC Form 470 Application Number: 912480001313335
SPIN: 143033063
Service Provider Name: Development Group, Inc
Contract Number:
Billing Account Number: N/A
Service Start Date: 04/01/2015
Service End Date: N/A
Contract Award Date: 03/31/2015
Contract Expiration Date: 09/30/2016
Shared Worksheet Number:
Number of Months Recurring Service Provided in Funding Year: 12
Annual Pre-discount Amount for Eligible Recurring Charges: \$.00
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$21,551.20
Pre-discount Amount: \$21,551.20
Discount Percentage Approved by the USAC: 80%
Funding Commitment Decision: \$17,240.96 - FRN approved as submitted

FCDL Date: 08/28/2015
Wave Number: 014
Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2016
Consultant Name: Nanette Rodriguez
Consultant Registration Number (CRN): 16043564
Consultant Employer: CSM CENTRAL

Request for Review and Waiver Letter

FUNDING COMMITMENT REPORT
Billed Entity Name: FALL RIVER JOINT UNIFIED SD
BEN: 144708
Funding Year: 2015

Comment on RAL corrections:
The applicant did not submit any RAL corrections.

FCC Form 471 Application Number: 1012895
Funding Request Number: 2833815
Funding Status: Funded
Service Type: Internal Connections
FCC Form 470 Application Number: 912480001313335
SPIN: 143033063
Service Provider Name: Development Group, Inc
Contract Number:
Billing Account Number: N/A
Service Start Date: 04/01/2015
Service End Date: N/A
Contract Award Date: 03/31/2015
Contract Expiration Date: 09/30/2016
Shared Worksheet Number:
Number of Months Recurring Service Provided in Funding Year: 12
Annual Pre-discount Amount for Eligible Recurring Charges: \$.00
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$657.80
Pre-discount Amount: \$657.80
Discount Percentage Approved by the USAC: 80%
Funding Commitment Decision: \$526.24 - FRN approved as submitted

FCDL Date: 08/28/2015
Wave Number: 014
Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2016
Consultant Name: Nanette Rodriguez
Consultant Registration Number (CRN): 16043564
Consultant Employer: CSM CENTRAL

Request for Review and Waiver Letter

FUNDING COMMITMENT REPORT

Billed Entity Name: FALL RIVER JOINT UNIFIED SD
BEN: 144708
Funding Year: 2015

Comment on RAL corrections:
The applicant did not submit any RAL corrections.

FCC Form 471 Application Number: 1012895
Funding Request Number: 2833821
Funding Status: Funded
Service Type: Internal Connections
FCC Form 470 Application Number: 912480001313335
SPIN: 143033063
Service Provider Name: Development Group, Inc
Contract Number:
Billing Account Number: N/A
Service Start Date: 04/01/2015
Service End Date: N/A
Contract Award Date: 03/31/2015
Contract Expiration Date: 09/30/2016
Shared Worksheet Number:
Number of Months Recurring Service Provided in Funding Year: 12
Annual Pre-discount Amount for Eligible Recurring Charges: \$.00
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$657.80
Pre-discount Amount: \$657.80
Discount Percentage Approved by the USAC: 80%
Funding Commitment Decision: \$526.24 - FRN approved as submitted

FCDL Date: 08/28/2015
Wave Number: 014
Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2016
Consultant Name: Nanette Rodriguez
Consultant Registration Number (CRN): 16043564
Consultant Employer: CSM CENTRAL

Request for Review and Waiver Letter

FUNDING COMMITMENT REPORT
Billed Entity Name: FALL RIVER JOINT UNIFIED SD
BEN: 144708
Funding Year: 2015

Comment on RAL corrections:
The applicant did not submit any RAL corrections.

FCC Form 471 Application Number: 1012895
Funding Request Number: 2833824
Funding Status: Funded
Service Type: Internal Connections
FCC Form 470 Application Number: 912480001313335
SPIN: 143033063
Service Provider Name: Development Group, Inc
Contract Number:
Billing Account Number: N/A
Service Start Date: 04/01/2015
Service End Date: N/A
Contract Award Date: 03/31/2015
Contract Expiration Date: 09/30/2016
Shared Worksheet Number:
Number of Months Recurring Service Provided in Funding Year: 12
Annual Pre-discount Amount for Eligible Recurring Charges: \$.00
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$2,679.60
Pre-discount Amount: \$2,679.60
Discount Percentage Approved by the USAC: 80%
Funding Commitment Decision: \$2,143.68 - FRN approved as submitted

FCDL Date: 08/28/2015
Wave Number: 014
Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2016
Consultant Name: Nanette Rodriguez
Consultant Registration Number (CRN): 16043564
Consultant Employer: CSM CENTRAL

Request for Review and Waiver Letter

FUNDING COMMITMENT REPORT

Billed Entity Name: FALL RIVER JOINT UNIFIED SD
BEN: 144708
Funding Year: 2015

Comment on RAL corrections:

The applicant did not submit any RAL corrections.

FCC Form 471 Application Number: 1012895
Funding Request Number: 2833830
Funding Status: Funded
Service Type: Internal Connections
FCC Form 470 Application Number: 912480001313335
SPIN: 143033063
Service Provider Name: Development Group, Inc
Contract Number:
Billing Account Number: N/A
Service Start Date: 04/01/2015
Service End Date: N/A
Contract Award Date: 03/31/2015
Contract Expiration Date: 09/30/2016
Shared Worksheet Number:
Number of Months Recurring Service Provided in Funding Year: 12
Annual Pre-discount Amount for Eligible Recurring Charges: \$.00
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$657.80
Pre-discount Amount: \$657.80
Discount Percentage Approved by the USAC: 80%
Funding Commitment Decision: \$526.24 - FRN approved as submitted

FCDL Date: 08/28/2015

Wave Number: 014

Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2016

Consultant Name: Nanette Rodriguez

Consultant Registration Number (CRN): 16043564

Consultant Employer: CSM CENTRAL

Request for Review and Waiver Letter

Exhibit 3



September 19, 2015

Empowering Education Through Technology

Case Number: 22-852621

Letter of Appeal
30 Lanidex Plaza West
PO Box 685
Parsippany, NJ 07054-0685

To Whom It May Concern:

This is a letter of appeal relating to the Funding Commitment Decision Letter issued by USAC on August 28, 2015 for the following:

Appellant/Organization Name:	Fall River Joint School District
BEN:	144708
Form 471:	1012895
Funding Request Number:	2833776, 2833781, 2833796, 2833804, 2833811, 2833815, 2833821, 2833824, 2833830
Service Provider Name:	Development Group Inc.

This letter is to appeal the Administrator's Decision of approval amount for FRN 2833776, 2833781, 2833796, 2833804, 2833811, 2833815, 2833821, 2833824, and 2833830.

Fall River Joint School District respectfully requests that the SLD revise the committed amounts for FRNs 2833776, 2833781, 2833796, 2833804, 2833811, 2833815, 2833821, 2833824, and 2833830 as a clerical error was made during the completion of the Form 471. Upon review of the FCDL we identified a clerical error was made on the Item 21 section for FRNs 2833776, 2833781, 2833796, 2833804, 2833811, 2833815, 2833821, 2833824, and 2833830 as the taxes, installation, and shipping were not included in the requested amounts. Please see attached **FRN Attachments** which are the service provider provided Item 21's for each site.

Below is the timeline of events leading up to the FCDL:

4/6/15- Development Group emailed the **"Final Item 21 Attachment email."** The attachment email show the service provider finalized the item 21 per site and a summary page. The summary page shows the installation, labor, sales taxes, and handling charges. The email also verifies that the correct amount was indicated in the supporting documentation prior to the completion of the Form 471 being filed.

4/13/15- The Form 471 was filed.

4/13/15 8/28/15 - No PIA outreach was received to make the correction.

8/28/15- FCDL was issued with FRN 2833776, 2833781, 2833796, 2833804, 2833811, 2833815, 2833821, 2833824, and 2833830 approved at the incorrect amounts.

The error clearly qualifies as a ministerial or clerical error in that the equipment costs were inadvertently omitted from the requests. Please revise FRNs 2833776, 2833781, 2833796, 2833804, 2833811,

Request for Review and Waiver Letter

2833815, 2833821, 2833824, and 2833830 to reflect the Item 21's submitted with in the ***"Final Item 21 Attachment email."*** Please feel free to contact me with any further questions. Thank you for your consideration.

Sincerely,

Nanette Rodriguez
Consultant, E-Rate Services
CSM, Inc.
324 E. 11th Street, Suite E-3
Tracy, CA 95376
(909) 204-7393 (Phone)
(209) 834-0087 (fax)
nrodriguez@csmcentral.com

Request for Review and Waiver Letter



Schools and Libraries Division

FY 2015 E-rate Appeal Information Request

November 3, 2015

Contact Name: Nanette Rodriguez
Appellant Name: FALL RIVER JOINT UNIFIED SD
FCC Form 471 Application Number(s): 1012895
Response Due Date: 11/18/2015

Dear Appellant:

The Program Compliance team is in the process of reviewing your appeal(s) of the above listed Funding Year 2015 FCC Form 471 Application(s) for E-rate discounts. To complete our review, we need additional information, which is listed below.

Eligible Services and products

I. Issue

Based on your appeal letter postmarked **October 13, 2015** we have determined that, for FCC Form 471 **1012895**, USAC received insufficient information to determine the issue(s) being appealed.

For additional information the information that needs to be included in a letter of Appeal, see Appeals Instructions available in the reference area of the USAC website <http://www.usac.org/sl/tools/reference-area.aspx> under the "Appeals" link

Question

1. Contact information including name, address, telephone number, and email address of the person who can discuss the appeal with USAC in detail;

Samantha Cichella
4671 Golden Foothill Pkwy., Ste. 101
El Dorado Hills, CA 95762
Phone (888) 944-7798 ext 122
scichella@csmcntral.com

2. Specify USAC decision that you are appealing and/or provide documentation of that decision.

Please see the attached Funding Commitment Decision Letter "*FallRiverJUSD471Y18C2 – FCDL*" which was issued on August 28, 2015 detailing the FRNs and their funded amounts.

Schools and Libraries Division - Correspondence Unit
30 Lanidex Plaza West, PO Box 685, Parsippany, NJ 07054-0685
Visit us online at: www.usac.org/sl

Request for Review and Waiver Letter

PIA Information Request

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Response Due Date: 11/18/2015

The district is appealing the Funding Commitment Decision for the following FRNs:
2833776, 2833781, 2833796, 2833804, 2833811, 2833815, 2833821, 2833824, 2833830

3. Identify the reason for your appeal in as much detail as possible.

Fall River Joint Unified School District respectfully requests that the SLD revise the committed amounts for FRNs 2833776, 2833781, 2833796, 2833804, 2833811, 2833815, 2833821, 2833824, and 2833830 as a Ministerial & Clerical Error was made during the completion of the Form 471.

Upon review of the FCDL we identified a clerical error that was made on the Item 21 section for FRNs 2833776, 2833781, 2833796, 2833804, 2833811, 2833815, 2833821, 2833824, and 2833830.

The taxes, installation, and shipping were included in the Service Provider's Item 21 Summary Page but were not included on each FRN's individual Item 21. This led to a calculation error where the taxes, installation and shipping costs were mistakenly omitted from the requested amounts for each FRN.

Please see attached [FRN Attachments](#) which were provided by the service provider for each site.

Below is the timeline of events leading to the Funding Commitment Decision Letter:

4/6/15 - Development Group emailed the "[Final Item 21 Attachment email](#)." The attachment email shows the service provider finalized the Item 21 per site and included a summary page. The summary page specifies the installation charges including: labor, sales taxes, and shipping and handling charges.

The email also verifies that the correct amount was indicated in the supporting documentation prior to the completion of the Form 471 being filed.

4/13/15 - The Form 471 was filed.

4/13/15 - 8/28/15 - No PIA outreach was received and the mistake was not caught prior to funding.

8/28/15 - FCDL was issued with FRNs 2833776, 2833781, 2833796, 2833804, 2833811, 2833815, 2833821, 2833824, and 2833830 approved at the incorrect amounts.

The error clearly qualifies as a ministerial or clerical error in that the associated installation costs (labor, taxes and shipping) were inadvertently omitted from the requests. Please revise FRNs 2833776, 2833781, 2833796, 2833804, 2833811, 2833815, 2833821, 2833824, and 2833830 to reflect the Item 21's submitted with in the "[Final Item 21 Attachment email](#)."

4. Explain precisely the relief sought through this appeal.

Fall River Joint Unified School District respectfully requests that the Committed Amounts for FRNs 2833776, 2833781, 2833796, 2833804, 2833811, 2833815, 2833821, 2833824, and 2833830 be increased to account for the costs that were not included inadvertently.

Please refer to the table below for an explanation of the FRNs and the requested change to each cost.

Request for Review and Waiver Letter

PIA Information Request

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Response Due Date: 11/18/2015

FRN	Associated Entity	Original Pre-Discounted Amount	Corrected Pre-Discount Amount
2833776	112264 (Solider Mountain Cont High)	\$2,679.60	\$5,557.47
2833781	112295 (Mountain View Cont High)	\$5,096.08	\$7,973.95
2833796	112298 (East Burney Elem School)	\$24,754.40	\$27,632.27
2833804	112337 (Fall River Elem School)	\$27,355.80	\$30,233.67
2833811	112369 (Fall River JR & SR High School)	\$21,551.20	\$24,429.07
2833815	226078 (Burney Community Day)	\$657.80	\$3,535.67
2833821	226079 (Fall River Community Day)	\$657.80	\$3,535.67
2833824	227491 (Burney Elem Community Day)	\$2,679.60	\$5,557.47
2833830	227493 (Fall River Elem Community Day School)	\$657.80	\$3,535.73

5. Provide documentation to support your argument on appeal.

Please see the attached ***"Final Item 21 Attachment email"*** sent from the Service Provider (Development Group, Inc) on April 6th, 2015, prior to the filing of Form 471 Application 1012895.

Please see the attached ***FRN Attachments*** which reflect the taxes, installation and shipping charges that were inadvertently omitted in the original request. These attachments have now been updated to include these costs.

Per the Universal Service Administrative Company's (USAC) website, the following definition is given for "Ministerial & Clerical Errors:"

Ministerial and clerical (M&C) errors are defined as data entry errors or mistakes applicants made on the FCC Form 470 or FCC Form 471. Such errors include only the kinds of errors that a typist might make when entering data from one list to another, such as mistyping a number, using the wrong name or phone number, failing to enter an item from the source list onto the application, or making an arithmetic error. USAC can process requests to correct M&C errors until the time that a Funding Commitment Decision Letter (FCDL) is issued.

During the filing of Form 471 Application 1012895, not all information was entered into the application from the source list; as shown in ***"Final Item 21 Attachment email"*** this information was received prior to filing the application and unintentionally overlooked.

If you fail to respond to this request within 15 calendar days, we will process your appeal with the documentation available, which may result in either a reduction of the funding request or a denial.

Response Reminders

Please email or fax the requested information to my attention. If you have any questions or you do not understand what we are requesting, please feel free to contact me.

Request for Review and Waiver Letter

PIA Information Request

Page 4 of 4

Response Due Date: 11/18/2015

It is important that we receive all of the information requested **within 15 calendar days** so we can complete our review of your appeal(s). **Failure to send all of the information requested may result in a reduction or denial of funding. If you need additional time to prepare your response, please let me know as soon as possible.**

Should you wish to cancel your appeal(s), please clearly indicate in your response that it is your intention to cancel your appeal(s). Include in any cancellation request the FCC Form 471 application number(s) and/or funding request number(s), and the complete name, title and signature of the authorized individual.

Thank you for your cooperation and continued support of the Universal Service Program.

Sincerely,

Jennifer A. Meyer
Associate Manager, Appeals Team, Schools and Libraries Division
30 Lanidex Plaza West | Parsippany, NJ 07054
T: 800.200.0818 ext. 5063 | Direct: 973.581.5063 | F: 973.599.6525
Jennifer.Meyer@sl.universalservice.org

Request for Review and Waiver Letter

Please note the following attachments:

“FRN Attachments” and “Final Item 21 Attachment email” as seen in the response above.

Fall River Joint Unified School District is requesting a FCC waiver to increase the funding request for the FRNs reflect in the amount above.

Sincerely,

Nanette Rodriguez
Consultant, E-rate Services
CSM, Inc.
324 E. 11th Street, Suite E-3
Tracy, CA 95376
(909) 204-7393 Phone
(909) 834-0087 Fax
nrodriguez@csmcentral.com